

Remarks**BEST AVAILABLE COPY**

Claims 1, 28, 29, and 37-39, 42-52, and 56-60 are pending in the application. All claims stand rejected. By this paper, claims 1, 28, 29, 37, 42-45, 48, 49, and 55-59 are amended. Claims 2-27, 30-36, 40-41, and 51-55 and 60 are canceled.

Claim 43 is objected to for reciting a limitation without antecedent basis. The Applicants have amended claim 43 to provide a proper antecedent basis as required by the Examiner.

Claim 59 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,040,829 to Croy ("Croy"). The Office Action states that "Croy teaches that the personal navigator having stereo control (col.3, ll. 6-10), thereby equating to a portable stereo device." Page 3, paragraph two. The Applicants strongly disagree. A remote control for a portable stereo device is not the same as the portable stereo device, itself, no more than television remote control is referred to as a portable television. In the industry, Walkmans®, CD players, and the like, are all referred to as portable stereo devices due to the stereo sounds they generate. However, remote controls are never identified as portable stereos.

In order to advance prosecution, claim 59 is amended to include the limitation of that the portable stereo device is to generate stereo audio. The term "stereo," as applied to electronic devices, is generally understood as "[a] stereophonic sound-reproduction system." www.dictionary.com. The hand-held device of Croy is not a stereo, does not generate stereo sound, and cannot anticipate claim 59. Anticipation under section 102 is proper only if the reference shows exactly what is claimed. Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 USPQ 773, 777 (Fed. Cir.

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1985); MPEP § 2131.01. Applicants respectfully submit that claim 59, as amended, represents patentable subject matter.

Claims 1, 49-51, 54-56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Croy in view of U.S. Patent No. 5,410,326 to Goldstein ("Goldstein") and U.S. Patent 5,671,267 to August ("August"). Independent claims 1 and 49 recite limitations of a portable stereo device to generate or capable of generating stereo audio. Croy does not teach this limitation. Goldstein and August also fail to disclose a portable stereo device that generates stereo sound. The universal remote control device of Goldstein does not generate stereo sound. It would never be referred to as a portable stereo device by a person of ordinary skill in the art.

The telephone handset unit of August uses a single speaker which is typical for a monophonic sound system. It is not used for playing music as is common for portable stereo devices. No one of ordinary skill in the art would refer to a telephone as a portable stereo device.

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03. Croy, Goldstein, and August do not teach all of the claimed limitations. In particular, none of the cited references teach a portable stereo device that provides the recited message notification. No portable stereo device of which the Applicant is aware provides any form of message notification. Accordingly, claims 1 and 49 are patentably distinct.

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Claims 28 and 52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Croy in view of Goldstein, Schindler, and August. Claim 28 includes the limitation of a portable stereo device to generate stereo audio. Claim 52 also includes this limitation by its dependency. Croy, Goldstein, and August have been distinguished above. Schindler also fails to teach the limitation of a portable stereo device.

Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Croy in view of Goldstein, Schindler, and August. Claim 29 recites a handheld portable stereo device to generate stereo audio. This limitation is not taught or suggested by any of the cited references.

Claims 37, 38, 41-43, and 46-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Croy in view of August. Independent claim 37 recites a portable stereo device to generate stereo audio, which is patentably distinguishable from the cited references, as discussed above. Dependant claims 38, 41-43, and 46-48 include the same limitation.

The remaining claims depend from either claim 37 or 49. Claims 37 and 49 are patentably distinct over Croy, Goldstein, Schindler, August, and any combination thereof, for the reasons discussed above. The additionally cited references Mankovitz and Gudorf fail to teach a portable stereo device to generate stereo sound.

In view of the foregoing, all independent claims, as amended, are believed to be patentably distinct. All dependent claims are also believed to be patentably

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distinct by virtue of their dependency on one of the respective independent claims discussed above. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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